



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,337	10/17/2005	Kozo Nishimura	92478-2000	8656

52044 7590 12/12/2006

SNELL & WILMER L.L.P.
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER

LEWIS, ALICIA M

ART UNIT	PAPER NUMBER
----------	--------------

2164

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/531,337

Applicant(s)

NISHIMURA, KOZO

Examiner

Alicia M. Lewis

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on April 14, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claim 2 is objected to because of the following informalities: Examiner believes the word "removal" should be "removable" in line 7 of the claim. Claim 2 is also objected to because the commas at the end of the limitations should be semicolons. Appropriate correction is required.
4. Claim 3 is objected to because of the following informalities: Examiner believes the word "removal" should be "removable" in line 2 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 2, the third limitation, starting at line 6 and ending at line 10, is unclear. More specifically, it is unclear as to what is meant by the phrase "except for the *removable* storage device."

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claim 4 raises a question as to whether the claim is directed merely to an abstract idea which not would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. More specifically, the method of claim 4 does not produce a tangible result.

Art Unit: 2164

Claim 5 is rejected as being non-statutory because it is not limited to tangible embodiments. In view of Applicant's disclosure, there is no support showing that the "program" is limited to tangible embodiments.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 4-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Frey, Jr. (US Patent 6,922,688 B1) ('Frey').

With respect to claims 1, 4 and 5, Frey teaches a file management device that manages a file that is divided into portions and stored across a plurality of storage devices including a removable storage device that stores information in a removable recording medium thereof, the file management device comprising (column 3 lines 50-65):

an access request receiving unit operable to receive a request for accessing the file (column 5 lines 60-62);

Art Unit: 2164

a location identifying unit operable to identify, with reference to the information stored in the removal recording medium, locations of the file (column 5 line 64 – column 6 line 5); and

a file access unit operable to access the locations in response to the request (column 6 lines 8-15).

With respect to claim 6, Frey teaches:

an access request receiving unit operable to receive a request for accessing the file (column 5 lines 60-62);

a management information acquiring unit operable to access the storage units and acquire management information relating to the file from one of the storage units (column 5 line 64 – column 6 line 5); and

an access unit operable to access the file according to the management information (column 6 lines 8-15).

With respect to claims 7 and 10, Frey teaches wherein the management information includes:

identification information used for identifying, from the storage units, file storage units across which the file is stored (Figure 5, column 3 lines 41-43, column 5 line 64 – column 6 line 5); and

location information that indicates locations of the file (column 6 lines 2-15).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey, Jr. (US Patent 6,922,688 B1) ('Frey') in view of Sawada et al. (US Patent 5,592,662) ('Sawada').

With respect to claim 2, Frey teaches wherein:

the file is constituted of data blocks (Figures 4 and 5, column 2 lines 29-34, column 4 lines 46-49),

the file management device further comprises an identifier receiving unit operable to receive an identifier of the file (column 5 lines 60-61),

the identifier of the file that is stored across the storage devices except for the removal storage device, identifiers of the storage devices, and locations of the data blocks within the storage devices are recorded on the removable recording medium in association with each other (Figures 4 and 5, column 5 lines 4-14, column 3 lines 62-65, column 6 lines 2-5), and

the file access unit accesses the locations of the file by specifying the locations of the data blocks and the identifiers of the storage devices (column 6 lines 2-5, 9-15).

Art Unit: 2164

Frey does not expressly teach identifiers of data blocks and using the identifiers of the data blocks.

Sawada teaches a file management system and method for managing access and storage of data within multiple external memory devices (see abstract), in which he teaches identifiers of data blocks and using the identifiers of the data blocks (column 2 lines 44-48).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Frey by the teaching of Sawada because identifiers of data blocks and using the identifiers of the data blocks would enable a method for handling data blocks of two or more types of external memory devices in a centralized manner (Sawada, column 1 lines 50-54).

With respect to claim 3, Frey as modified teaches wherein the removable recoding medium has recorded thereon address information used for accessing the storage devices via a network (Frey, column 4 lines 11-14, column 3 lines 33-36, column 5 line 64 – column 6 line 5), and

the file access unit accesses the locations of the file with use of the address information (column 6 lines 8-15).

With respect to claim 8, Frey as modified teaches wherein the location information is indirect information, with which the file access unit cannot access the file directly,

Art Unit: 2164

the file management device further comprises a location information acquiring unit operable to access the file storage units with reference to the indirect information, and acquire, from one of the storage units (Sawada, abstract), direct location information, with which the file access unit can access the file directly (Frey, column 5 lines 29-31, column 6 lines 2-12), and

the access unit accesses the file according to the direct location information (Frey, column 6 lines 12-15).

With respect to claim 9, Frey as modified teaches wherein the file storage units identified by the identification information are different from the one of the storage units which stores the management information (Sawada, abstract, Frey, column 6 lines 2-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
December 8, 2006


SAM RIMELL
PRIMARY EXAMINER